

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

MICHAEL ALLEN KOKOSKI,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-0024

CHARLES T. FELTS,  
Warden, FCI Beckley,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order entered on July 21, 2004, and filed in this case on January 11, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation [hereinafter "Findings and Recommendation" or "F & R"]. Magistrate Judge VanDervort filed his proposed F & R on March 15, 2006. In that filing, the magistrate judge recommended that this court (1) dismiss petitioner's petition for writ of habeas corpus (Doc. No. 1), and (2) remove this matter from the court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's proposed F & R. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

On April 10, 2006, petitioner filed a document stating that he had received a copy of the magistrate judge's proposed F & R in this case (5:06-0024). He went on to state that he had not received copies of proposed F & R's in previously filed cases (Kokoski v. Norwood, No. 5:05-0823 (S.D. W. Va.), No. 05-0837 (C.D. Cal.); Kokoski v. Norwood, No. 5:06-0090 (S.D. W. Va.), No. 05-1105 (C.D. Cal.)).


The court is aware of four actions by petitioner pending in this district . See Kokoski v. Norwood, No. 5:05-0823; Kokoski v. Norwood, No. 5:05-0849; Kokoski v. Felts, No. 5:06-0024; Kokoski v. Norwood, No. 5:06-0090. Magistrate Judge VanDervort has filed proposed F & R in this case (Kokoski v. Felts, No. 5:05-0024) and one other (Kokoski v. Norwood, No. 5:05-0849). Petitioner states that he has already received a copy of the proposed F & R filed in this case. Accordingly, the clerk is directed to send petitioner a copy of the proposed findings and recommendation in Kokoski v. Norwood, No. 5:05-0849.

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby (1) **DISMISSES** petitioner's petition for a writ of habeas corpus (Doc. No. 1), and (2) **DIRECTS** the clerk to remove this action from the court's active docket.

The Clerk is directed to mail a copy of this Memorandum Opinion and Judgment Order to all counsel of record, the plaintiff, pro se, and Magistrate Judge VanDervort. The Clerk is further directed to send petitioner a copy of the proposed findings and recommendation in Kokoski v. Norwood, No. 5:05-0849.

**IT IS SO ORDERED** this 13th day of April, 2006.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Chief Judge